



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



SDMS DocID 2184626

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 26 2012

BP America, Inc.
H.L. McKay, President
501 Westlake Park Boulevard
Houston, TX 77079

**Re: Required Submission of Information
Metro Container Site, Trainer, Pennsylvania**

Dear Madam/Sir:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or threat of release, of hazardous substances, pollutants, or contaminants at the Metro Container Corporation Site located in Trainer, Pennsylvania (hereinafter, "the Site").

The Site includes property located at or near 2nd and Price Streets in Trainer, Pennsylvania which was used by the Metro Container Corporation and others for drum recycling and reclamation activities through approximately 1990 ("Metro Property"), as well as other locations where wastes associated with operations at the Metro Property have come to be located.

In the 1980s EPA conducted an investigation at the Metro Property and oversaw performance of a response action which included the removal and off-Site disposal of thousands of drums from the Metro Property. Analyses of samples taken at and near the Metro Property in 2005, 2007, and 2010 reveal the presence of volatile organic compounds ("VOCs"), polychlorinated biphenyl's ("PCBs"), polycyclic aromatic hydrocarbons ("PAHs"), and metals in soils and groundwater.

Based on records available from the operation of the Metro Property, and your responses to EPA's 104(e) Information Request Letter sent in April 1988, EPA believes that you sent drums to the Site for reconditioning. The purpose of this letter is to obtain certain additional information from BP America, Incorporated (hereinafter "you") in connection with the Site and your operations. The specific information required is attached to this letter as Enclosure E.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), EPA has the authority to require you to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above referenced Site and which concern your ability to pay EPA's costs in cleaning up the Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **forty-five (45) calendar days** of your receipt of this letter. The response must be signed by an appropriately authorized corporate official. If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

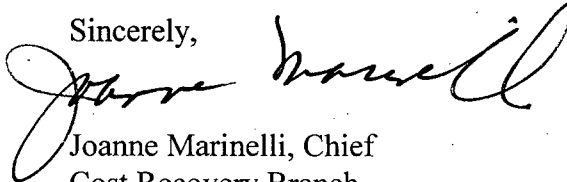
All documents and information should be sent to:

Kenneth I. Rose, III, Financial Analyst (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Kenneth I. Rose III at 215-814-3147, or have your attorney contact Senior Assistant Regional Counsel Andrew Goldman at (215) 814-2487.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch
Hazardous Site Cleanup Division

Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to
EPA Contractors and Grantees
B. List of Contractors that May Review Your Response
C. Definitions
D. Instructions
E. Information Requested

cc: Andrew Goldman (3RC41)
Kenneth I. Rose, III (3HS62)
PADEP

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure B") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

Enclosure B

[rev. 10/2011]

List of Contractors That May Review Your Response

Emergint Technologies, Inc.

Contract # EP-W-11-025

Booz-Allen & Hamilton

Contract # GS-35F-0306J (GSA Schedule)

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: L. Robert Kimball & Associates Inc.
Page Technologies Inc.
Avatar Environmental LLC
Terradon Corporation

Chenega Global Services, LLC

Contract #EP-S3-09-02

EA Engineering, Science and Technology, Inc.

Contract #EP-S3-07-07

Subcontractor: URS

Eisenstein Malanchuck, LLP

Contract #EP-W-07-079

Subcontractors: R. M. Fields International, LLC
James C. Hermann & Associated
MacRae & Company, Inc.

Guardian Environmental Services

Contract # EP-S3-07-02

Subcontractor: Aerotech, Inc.
Guardian Equipment

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill
Sullivan International

Kemron

Contract # EP-S3-07-03

Subcontractor: Clean Venture/Cycle Chem Inc.
CMC Inc.
Los Alamos Technical Assoc., Inc.
Carlucci Construction

Weston Solutions

Contract #EP-S3-1005

Tech Law, Inc.

Contract #EP-S3-1004

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

WRS Infrastructure & Environment, Inc.

Contracts # EP-S3-07-01 and #EP-S3-07-09

Subcontractors: AEG Environmental
Environmental Staffing
Veolia Environmental Services
Lewis Environmental Group

Industrial Economics, Inc.

Contract # EP-W-06-092

Cooperative Agrèements

National Association of Hispanic Elderly

CA# Q83424401

CA # ARRA 2Q8343730-01

National Older Workers Career Center

CA# CQ-833987

Enclosure C

Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food

chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Required

EPA's investigation of the Metro Container Site has revealed the presence of hazardous substances including, but not limited to, volatile organic compounds such as benzene, tetrachloroethylene, toluene, and trichloroethylene; polycyclic aromatic hydrocarbons such as anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(a)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, and chrysene; PCBs such as Aroclor-1248, Aroclor-1254, and Aroclor-1260; and metals such as antimony, arsenic, cadmium, lead, mercury, nickel, thallium, and zinc.

1. EPA has information which indicates that you sent drums to the Metro Container Site between 1980-1988 from one or more of your facilities. For each such facility, identify:
 - a) the address of the facility; and
 - b) the products/materials produced at such facility between 1980-1988.
2. Identify the processes used between 1980-1988 to produce the products/materials identified in response to Question #1.
3. Identify the raw materials used in the processes identified in response to Question #2.
4. Identify all wastes and by-products generated between 1980-1988 from the processes identified in response to Question #2.
5. For each raw material and waste/by-product identified in response to Questions #3 and #4:
 - a) Identify the chemical composition.
 - b) Provide a copy of all documents referring to or related to the composition of such raw material and waste/by-product including, but not limited to, chemical analyses performed on such raw materials and wastes/by-products; and
 - c) Identify how each waste/by-product was disposed of between 1980 and 1988.
6. Identify all chemicals/constituents that would have been present in drums present at any time between 1980-1988 at the facilities identified in response to Question #1(a).
7. Identify the number of drums/containers sent to the Metro Container Site from the facilities identified in response to Question #1;

8. Identify the procedures used to determine which drums present at any time at your facilities would be sent to the Metro Container Site.
9. Identify the chemicals/constituents contained in the drums you sent to the Metro Container Site.
10. If you assert in response to Question #9 that some or all of the drums sent to the Metro Container Site were empty, identify the chemicals/constituents that would have been in the drums before they were emptied.
11. Identify, and provide a copy of, all contracts and agreements between you and Metro Container Corporation or any related entity under which drums were sent from your facilities to the Metro Container Site.
12. Provide the name, title, address, and telephone number of the person answering these questions on your behalf. For each question, provide the name, title, area of responsibility, current address, and telephone number of all persons consulted in preparation of the answers.
13. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.);
 - c. The approximate date of destruction;
 - d. A description of information that would have been contained in the documents; and,
 - e. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.
14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information that you provide in a response to this request should include the party's name, address, type of business, and the reasons why you believe that the party may have contributed to the contamination at the Site or may have information regarding the Site.

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Mr. H.L. McKay, President
BP America, Inc.
501 Westlake Park Boulevard
Houston, TX 77079

2. Article Number (Copy from service label)

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C. Signature

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Kene O.

☒ Agent

☐ Addressee

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Ken Rose
Financial Analyst
U.S. Environmental Protection Agency
1650 Arch Street – 3HS62
Philadelphia, PA 19103



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